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10/741,533	12/19/2003	Thomas M. Slaight	10559-916001	5142
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FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BAYARD, DJENANE M	
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			02/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/741,533

Applicant(s)

SLAIGHT, THOMAS M.

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/20/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453, O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to amendment filed on 11/20/07 in which claims 1-39 are pending.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 112*

3. Claims 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to describe how "the segment is excluded from the host system".

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8-9, 11-16, 18-20, 22-23, 25-26, 28-31, 33-34 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,238 to Yuasa et al in view of U.S. Patent Application No. 2004/0255154 to Kwan et al.

a. As per claims 1, 17, 27 and 38, Yuasa et al teaches a computer implemented method comprising: accepting a segment of data from a host system (See col. 9, lines 15-25), a portion of the segment identifying a broadcast domain (See col. 26, lines 45-62, *the filter controls broadcast or multicast filtering*); comparing the portion of the segment with an identifier for a selected broadcast domain (See col. 26, lines 63-67, col. 27, lines 1-15 and col. 34, lines 49-62, *the VLAN control section collates the VLAN-ID tag of the received multiplexed data with the VLAN table for sorting the data to microsegments*); However, Yuasa et al fails to teach excluding the segment of data from transmission from the host system based on the comparison.

Kwan et al teaches excluding the segment of data from transmission from the host system based on the comparison (See page 5, paragraph [0070-0071]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kwan et al in the claimed invention of Yuasa et al in order to provide additional security features for controlling access to data communications networks (See page 1, paragraph [0004]).

b. As per claims 2, 18 and 29, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the host system comprises a computer system having a protocol stack configured to generate data packets (See col. 22, lines 44-54).

c. As per claims 3, 19 and 30, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the segment of data comprises a frame including one

of the data packets (See col.

d. As per claims 4, 20, 31 and 39, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the portion comprises a VLAN ID (See col. 34, lines 49-63).

e. As per claim 5, Yuasa et al teaches wherein the VLAN ID is configured according to an IEEE 802.1Q VLAN protocol (See col. 33, lines 12-26).

f. As per claim 6, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches generating the VLAN ID based on a network address (See col. 33, lines 46-52).

g. As per claims 8, 22 and 33, Yuasa et al in view of Kwan et al teaches the claimed invention as described above. However, Yuasa et al teaches wherein the segment is excluded from transmission from the host system if the portion does not correspond to the identifier.

Kwan et al teaches wherein the segment is excluded from transmission from the host system if the portion does not correspond to the identifier (See page 5, paragraph [0070-0071]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kwan et al in the claimed invention of Yuasa et al in order to provide additional security features for controlling access to data communications networks (See page 1, paragraph [0004]).

h. As per claims 9, 23 and 34, Yuasa et al teaches the claimed invention as described above. However, Yuasa et al fails to teach wherein excluding comprises blocking the segment from being transmitted from the host system.

Kwan et al teaches wherein excluding comprises blocking the segment from being transmitted from the host system (See page 5, paragraph [0070-0071]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kwan et al in the claimed invention of Yuasa et al in order to provide additional security features for controlling access to data communications networks (See page 1, paragraph [0004]).

i. As per claims 11, 25 and 36, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier is inaccessible by the host system (See col. 35, lines 1-16 and col. 44, lines 18-43).

j. As per claims 12, 26 and 37, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier is inaccessible by the host system after a boot phase (See col. 35, lines 1-16, col. 44, lines 18-43 and col. 46, line 9—24).

k. As per claim 13, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the segment is accepted from the host system over a data bus (See col. 23, lines 34-44).

l. As per claim 14, Yuasa et al teaches the claimed invention as described above. However, Yuasa et al fails to teach accepting a second segment of data from a physical layer network interface, a portion of the second segment identifying a broadcast domain; comparing the portion of the second segment with an identifier for a broadcast domain associated with the host system; and sending the second segment to the host system if the portion of the second segment corresponds to the identifier for the broadcast domain associated with the host system (See col. 31, lines 31-35 and col. 34, lines 50-67).

m. As per claim 15, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system (See col. 35, lines 1-16 and col. 44, lines 18-43).

n. As per claim 16, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system after a boot phase (See col. 35, lines 1-16, col. 44, lines 18-43 and col. 46, line 9-24).

o. As per claim 28, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches a management system having a protocol stack configured to generate management packets (See col. 23, lines 62-67 and col. 24, lines 1-6).

6. Claims 7, 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,238 to Yuasa et al in view of U.S. Patent Application No. 2004/0255154 to Kwan et al as applied to claims 1, 17 and 27 above, and further in view of U.S. Patent Application No. 2006/0168321 to Eisenberg et al.

g. As per claims 7, 21 and 32, Yuasa et al in view of Kwan et al teaches the claimed invention as described above. However, Yuasa et al in view of Kwan et al fails to teach wherein the segment is excluded from transmission if the portion corresponds to the identifier.

Eisenberg et al an access control list approach compares address information contained in a data packet from a remote device to determine whether the source from which the packet originated is on a list of allowed or disallowed addresses. If the address is on the list of disallowed addresses, the packet is not allowed to pass (See paragraph [0006-007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Eisenberg et al in the claimed invention of Yuasa et al in view of Kwan et al in order to restrict access (See page 1, paragraph [0006-0007]).

7. Claims 10, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,238 to Yuasa et al in view of U.S. Patent Application No. 2004/0255154 to Kwan et al as applied to claims 1, 17 and 27 above, and further in view of U.S. Patent No. 6,647,006 to Rasanen.



a. As per claims 10, 24 and 35, Yuasa et al teaches the claimed invention as described above. However, Yuasa et al fails to teach wherein the filtering comprises intentionally corrupting the segment so that the segment is discarded from traffic received over the network connection.

Rasanen teaches intentionally corrupting the segment (See col. 7, lines 28-52).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rasanen in the claimed invention of Yuasa et al in order to discard the frame (See col. 7, lines 28-52).

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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